

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOHN THOMAS FALVEY,

Plaintiff

Case No. 3:23-cv-00120-ART-CSD

**ORDER**

v.

ELKO SHERIFF DEPT., et al.,

Defendants

**I. DISCUSSION**

On March 21, 2023, Plaintiff, an inmate in the custody of the Elko County Jail, submitted a civil rights complaint. (ECF No. 1-1). But the complaint includes only the title page, nothing else. This is not a complete complaint. Plaintiff did not file an application to proceed *in forma pauperis* in this matter.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 The Court will grant Plaintiff an opportunity to file a fully complete complaint and a  
 2 fully complete application to proceed *in forma pauperis* containing all three of the required  
 3 documents, or in the alternative, pay the full \$402 filing fee for this action on or before  
 4 **May 23, 2023.**

5 **II. CONCLUSION**

6 For the foregoing reasons, it is ordered that Plaintiff will submit a complete  
 7 complaint to this Court on or before **May 23, 2023.**

8 It is further ordered that the Clerk of the Court will send to Plaintiff the approved  
 9 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of  
 10 the Court will also send Plaintiff a copy of the complaint title page that he filed (ECF No.  
 11 1-1).

12 It is further ordered that the Clerk of the Court will send Plaintiff the approved form  
 13 application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 14 information and instructions for filing an *in forma pauperis* application.

15 It is further ordered that on or before **May 23, 2023**, Plaintiff will either pay the full  
 16 \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all  
 17 three required documents: (1) a completed application with the inmate's two signatures  
 18 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 19 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
 20 previous six-month period.

21 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 22 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 23 to refile the case with the Court, under a new case number, when Plaintiff can file a  
 24 complaint and a complete application to proceed *in forma pauperis* or pay the required  
 25 filing fee.

26 DATED THIS 23rd day of March 2023

27   
 28 UNITED STATES MAGISTRATE JUDGE